IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4447 OF 2005

1. Vijay Meghnath Bhoir
2. Sanjay Vijay Bhoir. ... Applicants.

Versus.

State of Maharashtra. ... Respondent.

Shri N.S.Dube i/by Shri S.S.Dube for the Applicants.

Ms.M.H.Mhatre, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 18th July, 2005.

P.C.:

1. Heard the learned Counsel appearing for the Applicants and the learned A.P.P. for the State. The offence alleged against the Applicants is under sections 326, 323, 504, 506 and 34 of the Indian Penal Code. The learned A.P.P. on instructions of the Investigating Officer states that the investigation has been completed but the charge sheet is not yet filed.

2. The injury sustained by the Complainant is a simple injury. The F.I.R. itself records that there is a property dispute between the Complainant and the Applicants herein. The Applicants have been arrested on 4th May 2005.

3. Considering the fact that there is a background of property dispute between the Complainant and the

Applicants and considering that the injury sustained by the Complainant appears at this stage to be a simple injury, no purpose will be served by keeping the Applicants in custody, especially when the investigation is stated to be complete. No criminal antecedents of the Applicants are on record.

3. In view of the above, the following order is passed:

(i) The Applicants shall be enlarged on bail in connection with C.R.No.183 of 2005 registered at Sion Police Station, subject to furnishing personal bond of Rs.10,000/- each with one or two sureties in like amount.

(ii) The Bail is granted subject to condition that the Applicants shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

(iii) The Applicants shall cooperate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicants to delay the trial may be a ground for cancellation of bail.

(iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(v) Application is disposed of in above terms.

(vi) The parties to act upon an authenticated copy of this order.

Judge.